

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH MICHAEL BALERO, et al.,

Plaintiffs,

v.

LUMBER LIQUIDATORS, INC.,

Defendant.

Case No. 15-cv-01005-JST


**ORDER REGARDING EVIDENCE
PRESERVATION ORDER AND
RELATED NOTICE**

Now before the Court is the parties' dispute regarding an appropriate evidence preservation order. The parties originally proposed competing versions of such an order in the Joint Case Management Statement filed April 21, 2015, ECF No. 43. At the Court's direction, the parties then submitted competing Supplemental Case Management Statements justifying their respective proposed orders. ECF Nos. 55, 56.

Having considered the parties' arguments, the Court will adopt Plaintiffs' proposed evidence preservation order, as modified by Plaintiffs' Supplemental Case Management Conference Statement Regarding Evidence Preservation. ECF No. 56 at 3. The Court will also order that Plaintiffs insert the following paragraph after the first full paragraph of the order:

One purpose of the present Order is to maintain the status quo until such time as the Judicial Panel on Multidistrict Litigation either selects a transferee court or denies the pending motion to coordinate. This Court, or a transferee court, may hereafter modify any term of this Order, including the terms regarding the temporal or subject matter scope of Lumber Liquidators' or its agents' obligation to maintain documents or information. Also, the terms of this Order regarding temporal and subject matter scope are intended to govern evidence preservation only, and do not constitute findings by the Court regarding any party or entity's obligation to produce documents in response to a future discovery request in this proceeding.

IT IS SO ORDERED.


JON S. TIGAR
United States District Judge